

*Mr. Eric D. Culbreth; Art Unit 3616, 09/554,463 "Multi-point seat belt"; Docket No.: G6A2*

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I) Specification of (E17) to title of 09/554,463

Do you agree with the following title for all the four substitute appls.?

This is an application of US-serial number (for example 09/554,463) related to a division of an international application number PCT/DE98/03270 (WO 99/24294, European Patent EP 1 037 773 B1, German Patent DE 197 49 780 C2) filed Nov. 10, 1998. Otherwise, please send me your correction.

II) Drawing Changes

In compliance with CIPO's request for enlarging and detailing the Fig. 2, changing the label "Prior Art" into "PRIOR ART" and due to correcting the erroneous reference number 3.6a into 3.6 and denoting a reference number 5.9 to the aperture of shoulder belt deflector and adding Fig. 13a, which corresponds to the original Fig. 13, I filed to you as well as USPTO the amended drawing sheets 8/2a, 8/2b, 8/3, 8/4 and 8/6. In contrary to your view all the *figures are* identical with the *original* ones (E1) despite small changes and most of the reference numbers in the specification, figures and claims remain *unchanged*. If there have been changes, they are not identical at all.

I thank you very much for the explanation on how to process drawing changes at USPTO. Please find enclosed the Annotated Marked-up Drawing Sheets, in which all changes and explanatory marks are written, and Replacement Sheets.

III) Election and Restrictions and Allowable Subject Matter

The appl. (E15), containing the extended Claims 74 – 77 regarding shoulder-belt portion guiding device as well as the extended Claims 78 – 90 regarding submarining, was filed to USPTO for the following reasons:

Due to the disclosure of "shoulder-belt deflector" for belt deflector 5, 5b or D-ring 12 (Figs. 1, 13)" in pp. 2, pp. 6/line 6, pp. 7/line 3, pp. 11/line 30, pp. 12/line 3 and pp. 15/lines 8 and 9 of the appl. (E8) and in the translated appl. (E1), you have cited two references US 5,599,070 and US 6,145,881, both solely addressing shoulder-belt deflectors. Logically, I had to response thereto and describe the superiority of my shoulder-belt deflector thereto, advantages, novelty, feasibility and applicability in the specification as well as in Claims. To discuss it and other subjects and request your permission, I sent you a facsimile (E12) twice, which Mr. Dickson has read too. During my phone call (E13) you gave the consent on the subjects "submarining and shoulder-belt deflector", my proposal for "lap OR shoulder-belt portion", etc. In your Interview Summary (E14) you and Mr. Dickson have repeated

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again your view on "lap AND shoulder belt (portions)", which is corrected again into "lap OR shoulder belt (portion)" in my facsimile (E16) and the appl. (E15). Therewith you agreed (E17). Thank you. Unfortunately, in your 3<sup>rd</sup> OAS (E17), you and Mr. Dickson withdrew your permission for the extended Claims 74 - 90 regarding "submarining" and "shoulder-belt deflector". Allow me please to raise the question:

If you both had your objection thereto, why have you

1. *cited* both references US 5,599,070 and US 6,145,881 *and insisted* I reply thereto and
2. *changed* your mind and decided that they have *nothing* to do with multi-point seat belts *anymore*?

Doubtless, your permission is correct because of

- a) the necessity for processing both references in association with the extended Claims 74 - 90 thereto;
- b) the subject "shoulder-belt deflector" in above-mentioned pages;
- c) the subject "submarining" in pp. pp. 2/line 10, pp. 3/line 30, "both thighs and the lower body-part of the body to prevent submarining (Fig. 12b)" in pp. 4/line 29, "the anti-submarining buckle assemblies 7, 8, 8a to 8d (Figs. 1, 12b)," in pp. 13/line 6 and "submarining-force  $S_y$ " found in Fig. 12b of the (E8) and in the translated appl. (E1);
- d) the non-final action, in which the extended Claims in reference to the disclosure in the specification are permitted, as you explained to me during the phone call (E13) as well as your remarks in your Interview Summary (E14) such as "*since he is not under final, he can make an amendment* ". "*he would have to make those changes in his reply*"; and
- e) the principle object of the present invention to restrain a passenger in multi-attachment points, lower and distribute the acceleration-dependent loads to the multi-attachment points in the event of any accident or during in-flight turbulence, *in which the shoulder-belt deflector and the anti-submarining seat-belt assembly are capable of averting strangulation and submarining. How can a belted passenger be protected from strangulation and submarining?*

Summary:

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To satisfy you and Mr. Dickson I withdraw the Claims 74 – 90 related thereto, but replace with Claims related to Multi-point seat belts. See Chap. V)

#### IV) Claim Rejections

Your quotation in (E17) "the applicant has amended Claim 42 (E15) to include a stiff third transport-system" and "the "stiff" description was not disclosed in the specification (E8) at the time.." is wrong! Please review evidence therefor:

IVa) Your new finding/quotation (E17) *contradicts* to the knowledge you both gained *after* having thoroughly read several months ago the definition of attachment points in reference to "Stiff first transport-system member", "Stiff second transport-system member" and "Stiff third transport-system member" in the table of (E8) in pp. 2 and 3 and in Claim 1 of (E8). Thanks to that clear, concise and exact definition experts, like you both, Mr. John Hammerschmidt, Acting Chairman of NTSB, and managers/ experts of FAA, NTHSA, EU, Transport Canada and car- and aeroplane makers as well as non-experts can easily imagine that at least *four stiff transport-system members*, suited for receiving attachment points according to the principle object (E8; E15), are needed to define a pair of lower attachment points, located on both seat-sides, from which the multi-point seat belt is extended crosswise in an X-shape over the upper part of the body to the other pair of upper attachment points. In his letter Mr. Thomas A. Boudreau, Manager of FAA Brussels Aircraft Certification Staff, has *termed those four attachment points a new design type*. Owing to that profound knowledge you both wrote in the 2<sup>nd</sup> OAS (E9) only the rejection of the Claim 42 such as "assemblylocated", "lap AND shoulder belt portions" and "which". In compliance with your verdict "the subject matter of the claims appears to be allowable if the rejections under 35 USC 112 can be overcome" (E9), all your claim rejections in Claim 42 and other Claims of the appl. (E15) were overcome.

IVb) You did not make the above-mentioned claim rejections during our discussion (E13) on 03/15/2004.

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IVc) Logically, you and Mr. Dickson, having fully agreed with my definition of attachment points,

above-mentioned, did not outline those claim rejections in the Interview Summary (E14) at all.

IVd) USPTO had no claim rejections to the following phrases in indefinite, unclear, inaccurate terms:

1. In pp. 5 / line 31 of US 6,179,329 B1 "the harness is attached to the seat at *four points*".

In Claim 1 "a lap belt attached to a *side vehicle*<sup>1</sup> *attachment point*", "a shoulder guide attached to a *top vehicle attachment point*<sup>2</sup>".

In Claim 5 "a right lap belt attached to a *right vehicle attachment point*",

"a left lap belt attached to a *left vehicle attachment point*", and

"a neck lead-in strap attached to a *top vehicle attachment point*".

In Claim 10 "... of the right lap belt attached to a *right vehicle attachment point*",

"..of the left lap belt attached to a *left vehicle attachment point*",

"..attached to a *left upper vehicle attachment point*", and

"..attached to a *right upper vehicle attachment point*".

In Claim 12 "...between the *left upper vehicle attachment point* and the *right upper vehicle attachment point*".

In Claim 17 "...shoulder guides are attached to an *upper vehicle attachment point*".

2. In Claim 1 of US 5,524,928 "a left shoulder web securable to a *portion*<sup>3, 4</sup> of said vehicle",

"web couplable to a *left lateral area*<sup>5</sup> of said vehicle", and

"web couplable to a *right lateral area* of said vehicle".

3. In pp. 6 / lines 31-32 and pp. 7 / lines 15-16 of US 6,705,641 B2 "...lap belt may be attached to a *portion* (see footnote 4) of the vehicle" and "...distal ends may be attached to *other areas*<sup>6, 7</sup> within<sup>8</sup> a vehicle".

<sup>1</sup> This contradicts to the definition (*seat*) in the Specification

<sup>2</sup> Why has USPTO allowed this generalized definition and the others?

<sup>3</sup> Why has USPTO allowed these indefinite, unclear, inaccurate terms?

<sup>4</sup> Is a vehicle defined by portions?

<sup>5</sup> Why has USPTO allowed these indefinite, unclear, inaccurate terms?

<sup>6</sup> Is a vehicle defined by areas, suited for soccer- or football fields?

<sup>7</sup> Why has USPTO allowed these indefinite, unclear, inaccurate terms?

<sup>8</sup> Never in my life, I've ever learned that areas are within a vehicle. All three US Agencies, FAA, NTSB and NHSTA can't understand such definitions.

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In Claims 1 and 20 there is no definition to *which stiff members* of a vehicle the lap- and shoulder belts are attached although an occupant's abdomen is in reference to the cinching mechanism. How can the inflatable seat belt systems, *not attached to any member of a vehicle*, protect the vehicle's passengers?

#### Summary:

Doubtless, you and Mr. Dickson have fully agreed with my clear, concise and exact definition, thanks to which, far better than all the above-mentioned phrases, you, experts, FAA-, NTSB-, NHSTA-experts/managers/chairperson/chairman and non-experts, better understand the full scope of my inventions written in the previous, amended (E8, E15) and current appls.

#### V) Conclusion

In response to the 2<sup>nd</sup> OAS (E9) and with your permission I submitted to you an amended appl. (E15) on which you should have granted patent. Your verdict in the 3<sup>rd</sup> OAS (E16) in the final status (E16) is incorrect. Hence, I may reverse the final status into the non-final one (E9), thanks to which I substitute another Claims and Claims of US 10/690,742 for the Claims 74 – 90, for which I had already paid. No inventors, world-wide, have ever filed to USPTO dependant Claims concerning energy-absorbing multi-point seat belts.

Allow me please to introduce to you my accident survey, in which all three US Agencies and the EU have great interest, as well as my German, European and Canadian patents and Canadian and US-pending patents, characterized by *new design types* I have to develop into specifications/requirements and submit them to FAA, NHSTA and NCAP Consortium upon their request. I have to postpone this work due to the never-ending amendments I have to make to my US-patent applications. Motor vehicle crashes cost your country a total of \$ 230.6 billion in 2000. See "The economic impact of motor vehicle crashes: 2000" visit NHSTA'S website at [www.nhsta.dot.gov](http://www.nhsta.dot.gov). Beyond doubt, this societal cost and injury severities can be reduced *only* by my patents, pending patents and my coming patent applications. See letters of NTSB's Chairman, FAA's Chairperson, FAA's managers and EU-Legislators as enclosures of my letter regarding US 10/690,740; G6A1 to you. Positive verdicts have been issued by AUDI, PAG, Ford's Premium Automotive Group, comprising Volvo, Aston Martin, Jaguar, Lincoln and Land Rover, Lufthansa etc. on my patents, work etc.

If my patented Claims had infringed theirs, the German and European Patent Offices had ordered me omit them in the patent docs, you received, reissue amended patent docs. and fired the examiners on the spot. For example, EP 1 037 773 B1 (B for Patent; 1 for the 1<sup>st</sup> issue) should be reissued into EP 1

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037 773 B2 (2 for the 2<sup>nd</sup> issue) if the controversial claims, listed in EP 1 037 773 B1, were correct to be omitted in accordance to the Board of Review upon the objection of a car corp.

May I ask you for help and assistance please? Thank you.

VI) Balance sheets of all four appls. 10/690,740, 09/554,463, 10/690,741 and 10/690,742.

For the 41 Claims of 09/554,463, (E1), a total sum of \$ 311 was already paid. See attached.

TC = Total Claims

IC = Total independent Claims

Appl. No	Docket. No	TC	IC	Amount	Balance
09/554,463	G6A2	(41-20) x \$11	(5-3) x \$40	\$311	
		- (40-20) x \$9	(1-3) x \$42	- \$180	\$131
10/690,740	G6A1	(15-20)	(1-3)		
		- (25-20) x \$9	(1-3)	- \$ 45	- \$ 45
10/690,741	G6A3	(30-20) x \$9	(2-3)	\$ 90	
		- (21-20) x \$9	(3-3)	- \$ 99	- \$ 9
10/690,742	G6A4	(20-20) x \$9	(2-3)		
		(25-20) x \$9	(1-3)	- \$ 45	- \$ 45
				"Total sum"	\$ 32

In reference to "Total sum" I have \$ 32 standing to my credit at USPTO now.

#### VII) Patent Allowance Fees

Would you like explain me which fees I have to pay in case of Patent Allowance:

Fee Code	37 CFR	Description	Small Entity Fee
195	1.18(d)	Publication	300
183/283	1.20(e)	Due at 3.5 years	440
184/284	1.20(f)	Due at 7.5 years	1,010
185/285	1.20(g)	Due at 11.5 years	1,550

Any thing else?? Why is the fee 185/285 the highest among the Patent Maintenance Fees? In case of 183/283 is the Patent Maintenance Fee due in 2004 plus 3.5 years?

Thank you for your attention and all your help in advance.

Kind regards

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